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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,907	06/24/2003	Venkatasubramanian Ananthanarayanan	DP-307603(CIP1)	2162

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EXAMINER

STONER, KILEY SHAWN

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,907

Applicant(s)

ANANTHANARAYANAN ET AL.

Examiner

Kiley Stoner

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,9-14 and 17-19 is/are pending in the application.
4a) Of the above claim(s) 9-10 and 19 is/are withdrawn from consideration.
5) ☒ Claim(s) 6,11-14 and 17-19 is/are allowed.
6) ☒ Claim(s) 5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 5-6, 9-14, 17-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leech (4,480,166). Leech teaches a method for joining a first tube to a member comprising the steps of: a) obtaining a first tube having a flange; b) obtaining a member; c) after steps a) and b), disposing the first tube and the member with the flange contacting the member either directly or indirectly through an intervening joining material; and d) after step c), locally heating the first tube and/or the member proximate the contact of the flange and the member without substantially heating the first tube and/or the member apart from proximate the contact of the flange and the member (abstract; Figures). Resistance welding is a form of local heating. The focused arc generates heat.

Leech also teaches that the member is a case (Figures 1-2 and column 3, lines 48-58), however, in Figures 1-2 the case has a hole in it. This hole makes the case shaped like a pipe. So, it would have been obvious to use the method of Leech for weld/brazing a tube to a tube in order to form a desired assembly.

Allowable Subject Matter

Claims 6, 11-14 and 17-19 are allowed.

Response to Arguments

Applicant's arguments filed 2-25-05 have been fully considered but they are not persuasive. The applicant argues that "the examiner argues that the 0.022 inch thick case of Leech is a pipe/tube because it has an opening 26". This is not exactly the argument that the examiner is making in this application. If the examiner believed this a 102(b) rejection would have been made for bonding a tube to a non-tubular and tubular member. The applicant is arguing scale, while the examiner is trying to convey to the applicant that upon looking at the case in Figures 1-2 it becomes obvious to one of ordinary skill in the art that the case is like a pipe. That's why a 103 rejection was made. Upon looking at the drawings of Leech it becomes obvious to one of ordinary skill in the art that this type of joint could be formed with parts of various sizes, not just a 0.022 inch thick case.

The applicant also argues that "putting a hole in a steel sheet does not turn the sheet into a tube". Depending on the dimensions of the sheet it could turn the sheet into a workpiece that is shaped like a pipe, which is why it becomes obvious to bond the tube 10 to a pipe-shaped member 12 in Leech.

The applicant also argues that "the examiner apparently agrees with the applicants' position because on line 5 of page 3 the office action, the examiner states that the second member of Leech is a non-tubular member". Once again, the non-

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tubular member was rejected under 102 and the tubular member was rejected under 103.

The applicant seems to be attacking the rejection as if it was a 102, but it's a 103. The applicant has failed to make any arguments that it is not obvious. If the applicant still does not understand the examiners side of the argument, please set up an interview.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiley Stoner whose telephone number is (571) 272-

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1183. The examiner can normally be reached on Monday-Thursday (7:30 a.m. to 6:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on Monday-Friday at (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KILEY S. STONER
PRIMARY EXAMINER

Kiley Stoner 3/23/05